



**WESTPORT CONNECTICUT  
CONSERVATION COMMISSION  
110 MYRTLE AVENUE  
WESTPORT, CT 06880  
(203) 341-1170**

**MINUTES  
WESTPORT CONSERVATION COMMISSION  
June 17, 2020**

The June 17, 2020 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

**ATTENDANCE**

**Commission Members:**

Anna Rycenga, Chair  
Paul Davis, Vice-Chair  
Tom Carey, Secretary  
Donald Bancroft  
Stephen Cowherd  
Mark Perlman

**Staff Members:**

Colin Kelly, Conservation Analyst  
Susan Voris, Admin. Asst.

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the June 17, 2020 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

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Colin Kelly  
Conservation Analyst

## **Changes or Additions to the Agenda.**

Mr. Kelly stated there were two items to add to Other Business on Work Session II including:

- Policy for Above-ground Pools; and
- Meeting schedule for September.

Motion to add items to Work Session II.

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Perlman</b>
<b>Ayes:</b>	<b>Rycenga, Perlman, Bancroft, Carey, Cowherd, Davis</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>6:0:0</b>

### **Work Session I: 7:00 p.m.**

1. Status of enforcement activity as presented by the Conservation Compliance Officer.

This item was tabled.

2. Approval of May 20, 2020 meeting minutes.

The May 20, 2020 meeting minutes were approved with corrections.

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Rycenga, Davis, Bancroft, Carey, Cowherd, Perlman</b>		
<b>Nayes:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>6:0:0</b>

3. **20 Webb Road:** Request for clarification of condition for plantings as required by the January 13, 2020 decision to uphold the Cease and Correct Order for doing work within a wetland and upland review area without a permit.

Mr. Kelly gave background and noted the Commission at its May 20, 2020 Work Session began a review for clarification of its finding of the Cease and Correct Order. The Engineering Department has issues with the pipe location. They are requiring a 30-foot setback from the property line for the pipe. David Vynierib has indicated that he cannot move forward without permission from the homeowner. Mr. Kelly reported Amrik Matharu of the Engineering Department met with the homeowner today in the field. He has made it clear that the policy is that there will be a 30-foot setback for the pipe discharge. Further plans are necessary

This item was continued to a later hearing.

4. **26 Highland Rd.:** Request by Steven Perkins to modify Resolution #IWW, WPL-10960-20 for a new single family residence, driveway, septic system and deck.

Mr. Kelly stated he has met onsite with Mr. Perkins and Jim Kousidis, PE. Mr. Perkins is considering renovating the existing structure with an addition to the garage. They would still need to relocate the septic and drainage. New plans have not been submitted to the staff; therefore, staff has not been able to evaluate whether this is going to be a work session item or a new application.

### **Public Hearing: 7:15 p.m.**

1. **225 Greens Farms Road:** Application #IWW/M-10994-20 by Kevin Cornell on behalf of 225 Greens Farms Road LLC to amend wetland boundary map #G6.

Kevin Cornell presented the application on behalf of the property owner. Scott Stevens of Soil Science and Environmental Services flagged the wetlands as due diligence as part of the purchase of the property. Aleksandra Moch, soil scientist for the Town, concurred with Mr. Stevens findings.

Ms. Rycenga noted the property is 2.93 acres. She asked about the size of the wetlands.

Mr. Kelly stated there are 4,033 s.f. of wetlands as determined by the surveyor. He reviewed the map describing the wetland soils. He reviewed the photos of the property. He indicated Ms. Moch agreed with the wetland delineation. Staff recommends amending wetland map G06 for this property.

There was no comment from the public via e-mail.

Motion to close the public hearing.

<b>Motion:</b>	<b>Rycenga:</b>	<b>Second:</b>	<b>Carey</b>
<b>Ayes:</b>	<b>Rycenga, Carey, Bancroft, Cowherd, Davis, Perlman</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>6:0:0</b>

**Findings**  
**Application #IWW/M 10994-20**  
**225 Greens Farms Road**  
**Public Hearing: June 17, 2020**

1. **Application Request:** The applicant is requesting to amend wetland map # G06. The Current Town of Westport Wetland map shows no wetland boundary on the parcel.
2. **Soil Scientist for Applicant:** Scott D. Stevens, Soil Science and Environmental services, Inc.
3. **Soil Scientist for Town of Westport:** Aleksandra Moch, Soil & Wetland Scientist
4. **Plan reviewed:** "Improvement Location Survey Prepared for 225 Greens Farm Road LLC, Westport, Connecticut", Scale: 1"=30', dated April 3, 2020, prepared by Edward J. Frattaroli, Inc
5. **Wetlands Description:**  
Soil Report - prepared by Scott D. Stevens, Soil Science and Environmental services, Inc., dated October 8, 2019, identified the following **wetland** soils occurring on the property;

**Aquents (Aq):** This soil type generally has less than two (2) feet of fill over naturally occurring poorly or very poorly drained soils, or are located where the naturally occurring wetland soils are no longer identifiable, or the original soil materials have been excavated to the ground water table within twenty (20) inches of the soil surface, have an aquatic moisture regime and can be expected to support hydrophytic vegetation.

**Leicester fine sandy loam (4):** This soil occurs on upland drainageways and depression landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is poorly drained. This Leicester soil has a seasonal high water table at a depth of about 6 inches from fall until late spring. Most areas of this soil are wooded. The seasonal high water table limits this soil for community development; sites for on-site septic systems commonly need extensive filling and require special design and installation. Where suitable outlets are available, footing drains help prevent wet basements. Using siltation basins and quickly establishing plant cover help to control erosion and sedimentation during construction. Even when drained, the soil remains wet for several days after heavy rains. Wetness make this soil poorly suited for trees. The shallow rooting depth to the seasonal high water table causes the uprooting of many trees during windy periods.

Non-wetland soils were identified as:

**Hinckley gravelly sandy loam (38):** This excessively drained soil is on terraces, kames and eskers in valleys. The hazard for erosion is severe. The parent material consists of sandy and gravelly glaciofluvial deposits derived from schist, granite, and gneiss

**Sutton fine sandy loam (50):** This soil consists of gently sloping, moderately well drained glacial till found in slight depressions and on the sides of hills and ridges.

**Canton Charlton fine sandy loam (60):** This component occurs on upland hill landforms. The parent material consists of melt-out till derived from granite, schist, and gneiss. The drainage class is well drained

**Udorthents-Urban land complex (306):** This component occurs on urban land, cut, fill, or spoil pile landforms.

**Udorthents, smoothed (308):** This component occurs on leveled land and fill landforms.

**6. Property Description and Facts Relative to the Map Amendment Application:**

- The pre-existing house and barn onsite were demolished in 2016.
- The property is 2.93 acres (127,631 sq. ft.) in size.
- It is predominately located in the Sherwood Mill Pond watershed. No flood zone is associated with this property.
- The property is **not** within the Aquifer Protection Overlay Zone.
- Property does **not** exist within the Coastal Areas Management Zone.
- The Waterway Protection Line Ordinance boundary is 15' from the edge of flagged wetlands.
- The Current Town of Westport Wetland map shows no wetland boundary on the parcel.
- The flagged wetland area is **4,033 sq. ft.** as determined by the surveyor email dated June 5, 2020. The wetland area in the location of the former building is **453 sq. ft.** and the wetland in the area near the property line is **4,033 sq. ft.**

## 7. Discussion:

The applicant submitted a soils report by Scott D. Stevens that has investigated the soils on site. This report identifies the soils listed above. Additionally, Mr. Stevens signed the associated survey, identified above, on April 9, 2020 certifying that the wetland line is “substantially correct.”

The Town of Westport retained the services of Aleksandra Moch, Soil & Wetland Scientist, to review the proposed wetland boundary. Ms. Moch conducted an on-site investigation on May 9, 2020. Her letter/report, dated May 9, 2020, supports the findings of Mr. Stevens. The report states that the property was sampled in numerous locations. Ms. Moch agrees with the southeastern corner flagging and comments that the old foundation pit in the center of the site contained intercepts the ground water table and is an example of a man-made wetland/watercourse with hydrophytic vegetation.

The Commission finds that the Town's wetland boundary map be amended to reflect the boundaries as flagged and concurred to by both soils scientist as shown on the Improvement Location survey.

## Resolution

**Application #IWW/M-10994-20**

**225 Greens Farms Road**

**Date of Resolution: June 17, 2020**

In accordance with Section 8.0 of the Regulations for the Protection and Preservation of Wetlands and Watercourses of Westport, and on the basis of the evidence of record, the Conservation Commission resolves to **APPROVE** Application #IWW/M-10994-20 by Kevin Cornell on behalf of 225 Greens Farms Road LLC to amend the wetland boundary on Map: #G06 Lot: #014 on the property located at 225 Greens Farms Road with the following conditions:

1. Conformance to the plans titled: "Improvement Location Survey Prepared for 225 Greens Farm Road LLC, Westport, Connecticut", Scale: 1"=30', dated April 3, 2020, prepared by Edward J. Frattaroli, Inc
2. An electronic file in a format acceptable to the Town Engineer shall be submitted to the Conservation Department.

**This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void.**

**Motion: Carey**

## Second: Davis

**Ayes: Carey, Davis, Rycenga, Perlman, Bancroft, Cowherd**

**Nays: 0**

**Abstentions: 0**

**Votes: 6:0:0**

## Work Session II:

1. Receipt of Applications
2. **245 Post Rd West:** Request by William Achilles on behalf of Donato and Maria Sforza to allow issuance of a staff-level permit for construction of an addition to a single family residence within the 50 ft. upland review area.

Mr. Kelly read the letter submitted by William Achilles, AIA dated June 4, 2020 into the record. He reviewed the soils investigation submitted and the photos of the property with the Commission to highlight the project.

It was the consensus of the Commission they were comfortable with referring the proposal to the staff for an administrative approval.

Mr. Bancroft asked about the 7-inch pipe and the direction of flow.

Mr. Kelly stated the flow is from north to south.

Motion to refer proposal to staff for an administrative approval.

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Davis</b>
<b>Ayes:</b>	<b>Rycenga, Davis, Bancroft, Carey, Cowherd, Perlman</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>6:0:0</b>

### 3. Other Business

#### a. Meeting schedule for September

Mr. Kelly noted that due to the nature of several of the upcoming applications and in order to allow the regular application to move forward as usual, staff believes that it would be prudent to hold two meetings in September.

The Commission members are going to let staff know if there are any issues with their availability in September and staff will schedule a second meeting.

#### b. Policy for Above-ground Pools

Mr. Kelly noted with COVID-19 there is a greater demand for above-ground pools. Staff is looking for guidance and a policy for these structures. The current policy for pools is 35 feet, patios are 30 feet and fences are 25 feet. Staff believes these structures are more temporary and less intrusive in nature than a traditional pool. There is less construction involved. For the above-ground pools, staff proposes a 25-foot review area using the same pool discharge conditions as an inground pool.

Ms. Rycenga noted that not all properties are flat and some would require excavation.

Mr. Davis asked if there is science behind the 25-foot setback.

Mr. Kelly stated the 25-foot setback was set as a compromise as there would be less construction as compared to a traditional pool.

Mr. Bancroft expressed concern with the discharge of pool water.

Mr. Perlman asked if fencing would be required with an above-ground pool.

Ms. Rycenga stated she would like to see the policy language prior to a vote.

This item was continued to the next work session.

The June 17, 2020 Public Hearing of the Westport Conservation Commission adjourned at 8:06 p.m.

<b>Motion:</b>	<b>Rycenga</b>	<b>Second:</b>	<b>Perlman</b>
<b>Ayes:</b>	<b>Rycenga, Perlman, Bancroft, Carey, Cowherd, Davis</b>		
<b>Nays:</b>	<b>None</b>	<b>Abstentions:</b>	<b>None</b>
		<b>Vote:</b>	<b>6:0:0</b>